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(to be used for all correspondence after initial filing)

|  |   |                        |                   |
|--|---|------------------------|-------------------|
|  |   | Application Number     | 10/607,697        |
|  |   | Filing Date            | June 27, 2003     |
|  |   | First Named Inventor   | Bruce A. Pearlman |
|  |   | Art Unit               |                   |
|  |   | Examiner Name          |                   |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 6096.N DV7        |

| ENCLOSURES (Check all that apply)   |   |   |  |
|---|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> <b>SUPPLEMENTAL</b><br>Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication<br>to Group<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>Identify below):<br><input type="checkbox"/> Return-receipt postcard |  |
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                               |                    |        |                            |
|-------------------------------|--------------------|--------|----------------------------|
| Firm<br>or<br>Individual name | John H. Engelmann  | 28,075 | Pharmacia & Upjohn Company |
| Signature                     |                    |        |                            |
| Date                          | September 23, 2003 |        |                            |

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| Typed or printed name | Julie K. Lyons |      |                    |
| Signature             |                | Date | September 23, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. PATENT & TRADEMARK OFFICE  
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FEE TRANSMITTAL  
for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

| Complte if Known     |                   |
|----------------------|-------------------|
| Application Number   | 10/607,697        |
| Filing Date          | June 27, 2003     |
| First Named Inventor | Bruce A. Pearlman |
| Examiner Name        |                   |
| Art Unit             |                   |
| Attorney Docket No.  | 6096.N DV7        |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

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| Deposit Account Number | 21-0718                    |
| Deposit Account Name   | Pharmacia & Upjohn Company |

The Director is authorized to: (check all that apply)

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 Charge any additional fee(s) during the pendency of this application  
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## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description        | Fee Paid |
|--------------|--------------|---------------|---------------|------------------------|----------|
| 1001 750     | 2001 375     |               |               | Utility filing fee     |          |
| 1002 330     | 2002 165     |               |               | Design filing fee      |          |
| 1003 520     | 2003 260     |               |               | Plant filing fee       |          |
| 1004 750     | 2004 375     |               |               | Reissue filing fee     |          |
| 1005 160     | 2005 80      |               |               | Provisional filing fee |          |
| SUBTOTAL (1) |              | (\$ 0.00)     |               |                        |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
|              |                    |                    | -20** =      | 0 X \$0.00     | \$0.00   |
|              |                    |                    | - 3** =      | 0 X \$0.00     | \$0.00   |
|              |                    |                    |              | \$0.00         | \$0.00   |

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description  |
|--------------|--------------|---------------|---------------|--|
| 1202 18      | 2202 9       |               |               | Claims in excess of 20                                     |
| 1201 84      | 2201 42      |               |               | Independent claims in excess of 3                          |
| 1203 280     | 2203 140     |               |               | Multiple dependent claim, if not paid                      |
| 1204 84      | 2204 42      |               |               | ** Reissue independent claims over original patent         |
| 1205 18      | 2205 9       |               |               | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) |              | (\$ 0.00)     |               |  |

\*\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 410      | 2252 205      | Extension for reply within second month                                    |          |
| 1253 930      | 2253 465      | Extension for reply within third month                                     |          |
| 1254 1,450    | 2254 725      | Extension for reply within fourth month                                    |          |
| 1255 1,970    | 2255 985      | Extension for reply within fifth month                                     |          |
| 1401 320      | 2401 160      | Notice of Appeal   |          |
| 1402 320      | 2402 160      | Filing a brief in support of an appeal                                     |          |
| 1403 280      | 2403 140      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,300    | 2453 650      | Petition to revive - unintentional   |          |
| 1501 1,300    | 2501 650      | Utility issue fee (or reissue)   |          |
| 1502 470      | 2502 235      | Design issue fee   |          |
| 1503 630      | 2503 315      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  | 180.00   |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 750      | 2809 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 750      | 2810 375      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 750      | 2801 375      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

## SUBMITTED BY

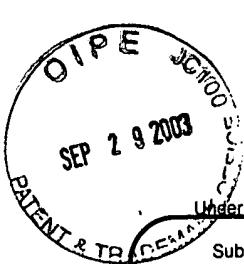
(Complete if applicable)

|                   |                   |                                   |        |                          |
|-------------------|-------------------|-----------------------------------|--------|--------------------------|
| Name (Print/Type) | John H. Engelmann | Registration No. (Attorney/Agent) | 28,075 | Telephone (269) 833-2532 |
| Signature         | John H. Engelmann |                                   | Date   | September 23, 2003       |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Substitute for form 1449A/PTC**

**SUPPLEMENTAL  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

**(Use as many sheets as necessary)**

Sheet

1 | o

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**Complete if Known**

|                      |                          |
|----------------------|--------------------------|
| Application Number   | <b>10/607,697</b>        |
| Filing Date          | <b>June 27, 2003</b>     |
| First Named Inventor | <b>Bruce A. Pearlman</b> |
| Art Unit             |                          |
| Examiner Name        |                          |

Sheet **1** of **4** Attorney Docket Number **6096.N DV/**

## U. S. PATENT DOCUMENTS

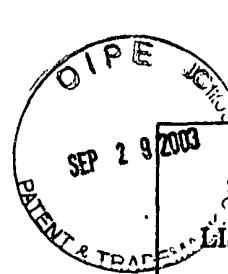
## FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENT |                       |   |                                |  |   |
|-------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*      | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear |
|                         |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |   |
|                         |                       |   |                                |  |   |
|                         |                       |   |                                |  |   |
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|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



|   |       |                          |            |
|---|-------|--------------------------|------------|
| LIST OF REFERENCES CITED BY APPLICANT<br><small>(Use several sheets if necessary)</small><br>Sheet 2 of 4 |       | Atty. Docket No.         | Serial No. |
|   |       | 6096.N DV7               | 10/607,697 |
|   |       | Applicant<br>BA Pearlman |            |
| Filing Date<br>June 27, 2003  | Group |                          |            |

#### U.S. PATENT DOCUMENTS

| Examiner Initial |    | Document Number | Date         | Name                    | Class | Subclass | Filing Date If Appropriate |
|------------------|----|-----------------|--------------|-------------------------|-------|----------|----------------------------|
|                  | AA | 4,402,981       | 6 Sept 1983  | H. Liepmann, et al.     | 424   | 324      | 16 Mar 1981                |
|                  | AB | 5,663,173       | 2 Sept 1997  | S. Jegham, et al.       | 514   | 249      | 12 Jun 1996                |
|                  | AC | 3,654,298       | 4 Apr 1972   | C.A. Douzon, et al.     | 260   | 307 C    | 14 Oct 1968                |
|                  | AD | 5,244,901       | 14 Sept 1993 | G. Pascal, et al.       | 514   | 252      | 26 Jun 1992                |
|                  | AE | 4,150,029       | 17 Apr 1979  | P.L. Dostert, et al.    | 260   | 307 C    | 23 Feb 1977                |
|                  | AF | 5,164,510       | 17 Nov 1992  | S.J. Brickner           | 548   | 231      | 20 Feb 1991                |
|                  | AG | 4,250,318       | 10 Feb 1981  | P.L. Dostert, et al.    | 548   | 229      | 9 Aug 1978                 |
|                  | AH | 4,340,606       | 20 Jul 1982  | R.B. Fugitt, et al.     | 424   | 272      | 23 Oct 1980                |
|                  | AI | 4,461,773       | 24 Jul 1984  | W.A. Gregory            | 424   | 272      | 5 Jan 1984                 |
|                  | BA | 4,476,136       | 9 Oct 1984   | P.L. Dostert, et al.    | 424   | 272      | 24 Feb 1982                |
|                  | BB | 4,948,801       | 14 Aug 1990  | R.K. Carlson, et al.    | 514   | 307      | 29 Jul 1988                |
|                  | BC | 5,182,403       | 26 Jan 1993  | S.J. Brickner           | 548   | 231      | 23 Apr 1992                |
|                  | BD | 5,225,565       | 6 Jul 1993   | S.J. Brickner           | 548   | 229      | 23 Apr 1992                |
|                  | BE | 5,332,754       | 26 Jul 1994  | H. Nakai, et al.        | 514   | 376      | 15 Oct 1992                |
|                  | BF | 5,565,571       | 15 Oct 1996  | M.R. Barbachyn, et al.  | 546   | 144      | 28 Apr 1994                |
|                  | BG | 5,688,792       | 18 Nov 1997  | M.R. Barbachyn, et al.  | 514   | 235.5    | 16 Aug 1994                |
|                  | BH | 5,547,950       | 20 Aug 1996  | D.K. Hutchinson, et al. | 514   | 252      | 31 Oct 1994                |
|                  | BI | 5,231,188       | 27 Jul 1993  | S.J. Brickner           | 548   | 221      | 13 May 1992                |
|                  | CA | 5,247,090       | 21 Sep 1993  | S.J. Brickner           | 546   | 89       | 21 Jan 1993                |

#### FOREIGN PATENT DOCUMENTS

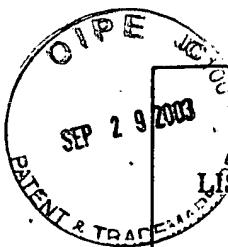
|  |    | Document Number                        | Date | Country | Class | Subclass | Translation |    |
|--|----|--|------|---------|-------|----------|-------------|----|
|  |    |  |      |         |       |          | Yes         | No |
|  | AJ | DE 27 20 915<br>See: U.S.<br>4,402,981 |      |         |       |          |             |    |
|  | AK | EP 0 748 807<br>See: U.S.<br>5,663,173 |      |         |       |          |             |    |



|  |    |  |  |                  |               |  |  |
|--|----|--|--|------------------|---------------|--|--|
| <b>LIST OF REFERENCES CITED BY APPLICANT</b><br><i>(Use several sheets if necessary)</i> |    |  |  | Atty. Docket No. | Serial No.    |  |  |
|  |    |  |  | 6096.N DV7       | 10/607,697    |  |  |
| <b>Sheet 3 of 4</b>  |    |  |  | Applicant        | BA Pearlman   |  |  |
|  |    |  |  | Filing Date      | June 27, 2003 |  |  |
|  | AL | EP 0 522 915<br><br>See: U.S.<br>5,244,901       |  |                  |               |  |  |
|  | AM | WO 93/09103<br><br>See: U.S.<br>5,565,571        |  |                  |               |  |  |
|  | AN | WO 95/07271<br><br>See: U.S.<br>5,688,792        |  |                  |               |  |  |
|  | BJ | PCT/<br>US94/08904<br><br>See: U.S.<br>5,688,792 |  |                  |               |  |  |
|  | BK | WO 93/23384<br><br>See: U.S.<br>5,547,950        |  |                  |               |  |  |

**OTHER PRIOR ART** (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |    |   |
|--|----|---|
|  | AO | Patent Abstract of Japan Vol. 5(4) [C-038]- 13 Jan 1981 – JP 55 133357 A  |
|  | AP | Barbachyn, M.R. et al., "Identification of a Novel Oxazolidinone (U-100480) with Potent Antimycobacterial Activity," J. Med. Chem 39:680-685 (1996);  |
|  | AQ | Brickner, S.J., et al. "Synthesis and Antibacterial Activity of U-100592 and U-100766, Two Oxazolidinone Antibacterial Agents for the Potential Treatment of Multidrug-Resistant Gram-Positive Bacterial Infections," J. Med. Chem. 39:673-679 (1996);  |
|  | AR | Gregory, W.A., et al., "Antibacterials. Synthesis and Structure-Activity Studies of 3-Aryl-2-oxooxazolidines. 2. The "A" Group," J. Med. Chem. 33:2569-2578 (1990);   |
|  | AS | Schaus, S.E. and E.N. Jacobsen, "Dynamic Kinetic Resolution of Epichlorohydrin via Enantioselective Catalytic Ring Opening with TMSN <sub>3</sub> , Practical Synthesis of Aryl Oxazolidinone Antibacterial Agents," Tetrahedron Letters 37(44):7937-7940 (1996).   |
|  | AT | Wang, C-LJ et al., "Chiral Synthesis of DUP 721, A New Antibacterial Agent," Tetrahedron 45(5):1323-1326 (1989);  |
|  | AV | Barbachyn, M.R., et al., "Synthesis and Structure-Activity Relationships of New Tropone-Substituted Oxazolidinone Antibacterial Agents," Abstract of Papers (F206), 35 <sup>th</sup> Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995;      |
|  | BO | Hutchinson, D.K. et al., "Piperazinyl Oxazolidinones: Structure Activity Relationships of a New Class of Oxazolidinone Antibacterial Agents," Abstract of Papers (F207), 35 <sup>th</sup> Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995; |



| LIST OF REFERENCES CITED BY APPLICANT<br><i>(Use several sheets if necessary)</i> |  |                  |
|---|--|------------------|
| Sheet 4 of 4  |  | Atty. Docket No. |
|   |  | Serial No.       |
|   |  | 6096.N DV7       |
|   |  | 10/607,697       |
| Applicant   |  | BA Pearlman      |
| Filing Date   |  | Group            |
| June 27, 2003   |  |                  |
| BP  | Brickner, S.J. et al., <i>Synthesis of U-100592 and U-100766, Two New Oxazolidinone Antibacterial Agents in Clinical Trials for Treatment of Multiply Resistant Gram Positive Infections</i> , Abstract of Papers (F208), 35 <sup>th</sup> Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995; |                  |
| BQ  | Barbachyn, M.R. et al., <i>Identification of New Oxazolidinone Antibacterial Agents with Potent In Vitro Antimycobacterial Activity</i> , Abstract of Papers (F227), 35 <sup>th</sup> Interscience Conference on Antimicrobial Agents and Chemotherapy, San Francisco, CA, September 1995; American Society for Microbiology: Washington, DC, 1995.  |                  |
| BR  | Gregory, W.A., et al., <i>"Antibacterials. Synthesis and Structure-Activity Studies of 3-Aryl-2-oxooxazolidines. 1. The "B" Group</i> , J. Med. Chem. 32:1673-1681 (1989).   |                  |
| Examiner  |  | Date Considered  |